

147.
P. 6
COLONEL *DRAPE R*'s

A N S W E R,

TO THE

SPANISH ARGUMENTS.

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CAROL DRAPEL

A. N. S. R.



ST. MARTIN'S ARGUMENTS

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COLONEL *DRAPER*'s
A N S W E R,
TO THE
SPANISH ARGUMENTS,

CLAIMING
The GALEON, and refusing Pay-
ment of the RANSOM BILLS, for
preserving *MANILA* from Pillage and
Destruction:

In a LETTER addressed
To the EARL of *HALIFAX*,
His MAJESTY's Principal Secretary of State
For the Southern Department.



L O N D O N:
Printed for J. DODSLEY, in *Pall-mall*.
M DCC LXIV.

Colonel DRAPE R.

A N S W E R.

TO THE

SPANISH ARGUMENTS,

CLAIMING

The GARRON, and refusing pay-
ment of the RANSOM BILLS for
redeeming MEXICO from pillage and
destruction.

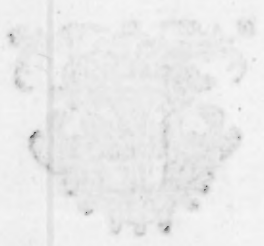
By J. L. DRAPE R.



To the PARLIAMENT

The Majesty's Principal Secretary of State

For the Southern Department.



L O N D O N.

Printed by J. DODD, in Pall-mall.

MDCCLXX.



TO THE

EARL of *HALIFAX*,

His MAJESTY's Principal Secretary of State

For the Southern Department.

My LORD,

ARMED with that Boldness which
Innocence inspires, and the Con-
scioutness of having done my Duty,
both as an Officer, and a Man of Honour
and Humanity ; I presume again to lay
before your Lordship my Answer to the
Spanish Ambassador's Memorial.

This

This Reply is something more copious than the former, which I had the Honour of presenting to your Lordship in *March* last : The new Arguments that have been urged to evade Payment, requiring fresh Reasons to endeavour to enforce it.

I was in great Hopes, that the good Faith, Honour, and Punctuality of the *Spanish* Nation, would have made this Publication unnecessary. But finding, that they have absolutely refused Payment of the Ransom Bills, drawn upon their Treasury by the Governor of *Manila*, and do now claim the Restitution of the Galeon, I am constrained, for the Sake of those brave Men, to whom I am obliged and indebted for my Success, to assert their Rights, in the best Manner I am able.

Many

Many of them, My Lord, from the too usual and sanguine Hopes of their Profession, have already anticipated their supposed Profits, and may live to repent their fatal Success in a Jail ; unless the powerful Intercession of the Government will rescue them from impending Misery or Destruction. They vainly look up to me for that Protection, which in their Names, I again request from your Lordship's good Offices.

I must add, that the calumnious and envenomed Attack upon my own Character, demands the most public Justification : Being described both at Home and Abroad, as a Man void of all Faith, Principle, or common Honesty ; and so, indeed, I should be most deservedly thought, were I guilty even of the smallest Part of what the *Spanish* Memorial accuses me. A Dey of *Tunis*, or *Algiers*, would blush to make use of

so black an Instrument of Perfidy and Piracy. I owe, therefore, this open Vindication of my Conduct, both to my Sovereign, and to my Country, whose Representatives were pleased to honour me with their publick Thanks, the greatest of all Rewards, and indeed, the only one I have received for my late Services.—*Sed mihi facti fama sat est.*

My Silence, perhaps, may be misconstrued; it may be suspected that I have sacrificed the deluded Partners of my Expedition, to private and base Considerations; (for something of a dark and private Treaty has been whispered about) but, I thank Heaven! my Behaviour has been such as will bear the Light of Day; and the all-searching Eye of Truth.

The *Spaniards* have assigned my Breach of Faith in the Capitulation, as
one

one Reason for their Refusal of Payment :
 I cannot, therefore, servilely stoop, or
 submit to the heavy Load of Guilt, with
 which they have endeavoured to over-
 whelm me. But perhaps, a Second
Gondemar * is arrived amongst us :
 Yet the Happiness of the Times, we
 have the good Fortune to live in, for-
 bids me to carry the Allusion any far-
 ther ; nor have I the Vanity to com-
 pare myself to the great *Raleigh*, even
 in Miniature ; a very unjust and vin-
 dictive Accusation, forms the only Part
 of the Parallel betwixt us. But as the
 execrable Days of *James* the First
 can never be renewed under the Reign
 of our most just, good, and gracious
 Sovereign, I will not harbour the least
 Suspicion that I shall resemble that
 illustrious Man in his Misfortunes ;
 or remain unprotected, or be sacrificed

* A famous *Spanish* Ambassador, in the Reign
 of *James* the First.

for my poor Endeavours to serve my
King and Country; to whose Judg-
ments I most dutifully and humbly sub-
mit my Cause.

I have the Honour to be,

My LORD,

With great Respect and Esteem,

Your most obedient, humble Servant,



WILLIAM DRAPER.

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LES Chefs de l'Armée *Angloise*, qui se rendirent Maitres de *Manille*, proposerent le cinq d'*Octobre* 1762, à l'Archevêque, qui tenoit lieu de Gouverneur une Capitulation, en promettant de garantir la Ville du Pillage, si le Gouverneur et les Magistrats signerent les Articles de la susdite Capitulation ; à ce qu' ils furent contraints, se voyant menaces d' être passés au fil de l'Epee, s'ils refusoient de s'y conformer.

Malgré cette honteuse Capitulation signée par la Voie de la Violence et de la Rigueur le General *Draper* ordonna,
ou

THE
SPANISH ARGUMENTS
FOR
REFUSING PAYMENT.

THE *English* Generals who made themselves Masters of *Manila* proposed, on the *Fifth of *October*, 1762, a Capitulation to the Archbishop, who acted as Governor ; by which they promised to preserve the City from Pillage, if the Governor and principal Magistrates would consent to, and sign the Articles of, the said Capitulation ; which they were forced to do, being threatened to be put to the Sword, in Case of Refusal.

Notwithstanding this shameful Capitulation, extorted and signed by the Means of Violence and Rigor, General *Draper*

* The *Spaniards*, by sailing to *Manila*, by the West, are a Day later in their Computation of Time in that Country.

ordered

ou permit, que la Ville fut saccagée pendant 40 heures par 4000 *Anglois*, qui en tirèrent plus d'un Million de Piaftres.

La fufdite Capitulation doit être nulle, parce qu'elle a été fignée par force, et en outre le General *Anglois* fût le premier à l'enfreindre, en permettant la Pillage, et par Confequence la feule Capitulation propofée par le Gouverneur, admife et fignée par l'Admiral *Cornifh*, et par le General *Draper*, le Jour 7^{me} du mois d'*Octobre* doit être confiderée dans cette affaire.

L'Article 1^{er} accorde aux habitans de *Manille* la pacifique Poffeffion de tous leurs effets, et le 4^{me}, ain'fi que le 6^e leur accordent la Liberté de leur Commerce fous la Protection du Roi de la *Grande Bretagne*.

ordered or suffered the City to be sacked and pillaged, for forty Hours, by Four Thousand *English*, who plundered it of more than a Million of Dollars.

Therefore the said Capitulation ought to be void, because it was signed by force; and because General *Draper* first violated and broke the Capitulation, by permitting the City to be pillaged. Consequently, that Capitulation only, which was proposed by the Governor, accepted of, and signed by Admiral *Cornish* and General *Draper*, upon the Seventh of *October*, ought to be considered and respected in this Affair.

The First Article of which grants to the Inhabitants of *Manila*, the peaceable and quiet Possessions of all their Effects; the Fourth and Sixth grant them the Liberty of Commerce, under the Protection of his *Britannick* Majesty.

REFU-

R E F U T A T I O N.

IT is a known and universal Rule of War amongst the most civilized Nations, that Places taken by Storm, without any Capitulation, are subject to all the Miseries that the Conquerors may chuse to inflict.

Manila, my Lord, was in this horrid Situation; of Consequence the Lives of the Inhabitants, with all belonging to them, were entirely at our Mercy. But Christianity, Humanity, the Dignity of our Nation, and our own Feelings as Men, induced us not to exert the utmost Rigours of the Profession, against those wretched Suppliants; although my own Secretary, Lieutenant *Fryar*, had been murdered, as he was carrying a Flag of Truce to the Town. The Admiral and I told the Archbishop and principal Magistrates,

Magistrates, that we were desirous to save so fine a City from Destruction, ordered them to withdraw, consult, and propose such Terms of Compensation as might satisfy the Fleet and Army, and exempt them from Pillage, and its fatal Consequences.

The Proposals they gave in, were the very same, which the *Spaniards* most artfully call a Second Capitulation; and were afterwards agreed to, and confirmed by us (with a few Restrictions) but at that time were so unsuitable to their desperate Situation, that we rejected them as unsatisfactory and inadmissible. As Conquerors, we took the Pen, and dictated those Terms of the Ransom which the *Spaniards* thought proper to submit to; for they had the Alternative, either to be passive under the Horrors of a Pillage, or compound for their Preservation; they accepted the latter.

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The

The Objection and Pretence of Force and Violence may be made use of to evade any military Agreements whatsoever, where the two Parties do not treat upon an Equality ; for who, in War, will submit to an inconvenient and prejudicial Compact, unless from Force ? But have the *Spaniards* forgot their own Histories ? Or will they not remember the just Indignation expressed against *Francis* the First, who pleaded the like Subterfuge of Force and Violence, to evade the Treaty made after the battle of *Pavia*, and his Captivity ?

Should such elusive Doctrines prevail, it will be impossible, hereafter, for the Vanquished to obtain any Quarter or Terms whatsoever : The War will be carried on *usque ad internecionem* ; and if a Sovereign shall refuse to confirm the Conditions stipulated by his Subjects, who are in such critical Situations, the

Con-

Consequences are too horrid to mention.

By the same fallacious Sophistry, a State may object to the Payment of the Ransoms of Ships taken at Sea, and to Contributions levied in a Country which is the Seat of War. But it is always allowed, that in such Cases, a Part must be sacrificed to save the Whole; and surely, when by the Laws of War, we were entitled to the Whole, it was a great Degree of Moderation to be contented with a Part.

The Destruction that we could have occasioned, would have trebled the Loss they suffer by the Payment of the Ransom. The rich Churches and Convents, the King of *Spain's* own Palace, with its superb and costly Furniture, the magnificent Buildings of every Sort, the Fortifications, Docks, Magazines,

Founderies, Cannon, and in short the Whole might have been entirely ruined, the *Spanish* Empire in *Asia* subverted, and the Fruits of their religious Mission lost for ever, together with the Lives of many Thousand Inhabitants, who were spared by our Humanity. As a suitable and grateful Return for this Lenity, the *Spanish* Memorial affirms, that after the Capitulation was signed, General *Draper* ordered, or permitted, the City to be sacked and pillaged for forty Hours together, by four Thousand *English*, who plundered it of more than a Million of Dollars.

As my own Character, both as an Officer, and a Man of Honour, is so wickedly attacked by this unjust Accusation, I must beg Leave to state the the whole Affair, in its true Light; and do appeal for its Veracity to the Testimonies of every Officer and Soldier,
 who

who served in the Expedition, and to all of the Marine Department.

We entered *Manila* by Storm, on the 6th of *October* 1762, with an Handful of Troops, whose Total amounted to little more than Two Thousand; a motley Composition of Seamen, Soldiers, Seapoys, Cafres, Lascars, Topassees, *French* and *German* Deserters.

Many of the Houses had been abandoned by the frightened Inhabitants, and were burst open by the Violence of Shot, or Explosion of Shells. Some of these were entered and pillaged. But all military Men know, how difficult it is to restrain the Impetuosity of Troops in the first Fury of an Assault, especially when composed of such a Variety and Confusion of People, who differed as much in Sentiments and Language, as in Dress and Complexion.

Several

Several Hours elapsed, before the principal Magistrates could be brought to a Conference; during that Interval, the Inhabitants were undoubtedly great Sufferers. But, my Lord, this Violence was antecedent to our Settling the Terms of the Capitulation, and by the Laws of War, the Place, with all it's Contents, became the unquestionable Property of the Captors, until a sufficient Equivalent was given in Lieu of it. That several Robberies were committed, after the Capitulation was signed, is not to be denied; for Avarice, Want, and Rapacity, are ever insatiable: But that the Place was pillaged for Forty Hours, and that Pillage authorized and permitted by me, is a most false and infamous Assertion. The People of *Manila*, my Lord, have imposed upon their Court, by a Representation of Facts, which never existed; and to make such a
groundless

groundless Charge the Reason for setting aside, and evading a solemn Capitulation, is a Proceeding unheard of until now, and as void of Decency, as Common Sense.

The following Extracts from the Public Orders, given out the very Day we entered the Town, will sufficiently convince your Lordship, of my constant Attention to the Preservation of those ungrateful People ; who have almost taught me to believe, that Humanity and Compassion are Crimes.

EXTRACTS.

EXTRACTS.

October 6th, Manila.

“ The utmost Order and Regularity to
“ be observed.

“ All Persons guilty of Robberies, or
“ Plundering the Churches and Houses,
“ will be hanged without Mercy.

“ The Guards to send frequent Patroles
“ both Day and Night, to prevent all
“ Disorders.

“ The Drummers to beat to Arms,
“ the Officers to assemble with their
“ Men, and call the Rolls.

“ The Adjutants to go round the
“ Town, and take an exact Account
“ of the Safe-guards, posted for the
“ Protection

“ Protection of the Convents, Churches,
“ and Houses.”

October 7th.

“ All the Inhabitants of *Manila* are
“ to be looked upon and treated as His
“ *Britannick* Majesty’s Subjects: They
“ having agreed to pay Four Millions of
“ Dollars, for the Ransom and Prefer-
“ vation of their City and Effects.

“ The Criminals executed for Robbery
“ and Sacrilege, to be buried at Sunfet.”

I hope the foregoing Extracts, are
sufficient to vindicate my Character.
Moreover, the strictest Search was made
on board the Squadron by the Admiral’s
Orders, and amongst the Troops, to
recover what had been stolen and se-
creted; and all the Money, Plate, and
Jewels, so recovered, were put into the
D Treasury,

Treasury, and allowed, and accepted of as Part of the Ransom.

Now let us examine the Foundation of all the *Spanish* Pretensions. In the first Place, they have mis-stated the Propositions, and made our Proposals antecedent to theirs, which is impossible. For how could our Fourth Proposition take Notice of, and consent to theirs, unless from a previous Knowledge and Perusal of what they had to offer ? And indeed, the whole Force of the *Spanish* Arguments, depends entirely upon the Second Capitulation, as they are pleased to term it : But the Liberty of Commerce, and all the other Privileges which they there insist upon, were granted conditionally, upon their Compliance with the Fourth Article of our Propositions. It expressly declares, that the Proposals contained in the Paper, delivered on the Part of his Excellency the Governor and his Council, will be listened to, and confirmed

firmed to them, upon their Payment of Four Millions of Dollars ; the Half to be paid immediately, the other Half to be paid in a Time to be agreed upon ; and Hostages * and Security given for that Purpose. It is therefore most evident, that they had not the least Shadow of Right to any Privileges, until this Article was most punctually fulfilled.

How it has been fulfilled, has been but too clearly manifested, by the Court of *Spain's* Refusal to pay the Two Millions of Dollars, for which we trusted to the Honour and Punctuality of that Nation. Until that Sum is paid, it is impossible even to name the Galeon.

* When Colonel *Draper* left *Manila*, all the *Oyidores*, (the first Magistrates of the Place) were taken as Hostages: What has been done with them since that Time, he supposes Mr. *Drake*, the Deputy Governor, will inform the *East India* Company, and the Ministry.



POSTSCRIPT.

IT is now pretended that the *Spanish* Governor exceeded his Powers, that he had no Authority to draw Bills, of such a Nature, upon his Court : But will not unforeseen Events, demand unforeseen Expedients ? In *Europe*, where the Distance will allow of it, it is undoubtedly the Duty of every Governor or Commander, to consult his Sovereign (if an Opportunity offers) before he presumes to give his Consent to, or ratify any Agreement that may be prejudicial or dishonourable to his Crown. But can such Formalities be required or observed at the Distance of half the Globe ? The Persons

sons entrusted with such remote Commands, must be left to their own Discretion ; to the Fertility or Barrenness of their own Invention and Resources. A State may undoubtedly punish the Man who is found to have betrayed its Dignity or Interests ; but at all Events, it must abide by his Decisions, how prejudicial soever.

We find in History, that the *Romans* have sometimes delivered up to the Enemy such of their Generals, who had made a shameful or disadvantageous Peace, without the Consent or Approbation of the Senate : But that Practice has been universally condemned upon the truest Reasons ; because the Delivery of an Individual could never be adequate to the Advantages they might acquire by the breaking of a bad Treaty ; or compensate their Enemies for the Opportunities and Advantages they might give up, or lose,
upon

upon the Faith of such an Agreement.

I flatter myself that the *Spaniards* will not copy that great Nation in its Defects, but imitate its Virtues.

It is also asserted, that the Ransom Bills were given and accepted only to preserve the private Property of the Inhabitants : But I do most solemnly aver, my Lord, that the Ransom was general, as well as particular. Can Six Hundred Pieces of Brass and Iron Ordnance ? can the Fortifications of the Citadel and Town of *Manila*, with those of the Citadel and Port of *Cavite*, the publick and royal Magazines, Store-houses, Docks, &c. be called private Property ? They belonged, most undoubtedly, to his Catholic Majesty, and by the stern Rules of our Profession, might have been destroyed, had the Admiral and I been disposed to have carried on the War with that Barbarity, of which other Nations have more
I than

than once set us the Example : But we considered rather how *Englishmen* should act, than what our Enemies might have suffered. But let us, for a Moment, admit that the Bills were drawn for the sake of preserving private Property only : Even in that Case the *Spaniards* are bound in Honour to oblige the People of *Manila* to pay the Money ; and they are now very able to discharge the Debt, since they have received all the Treasure of the *Philippina* Galeon.

Our Court has shewed them a most bright and laudable Example, by taking Care that all the Ransom Bills, due even to the Enemy's Privateers, should be most punctually paid, since the Conclusion of the Peace. Surely such upright Proceedings on our Side will infuse the same religious Observance of good Faith in all concerned in this Business, Otherwise we must say with *Grotius*, *ab Injustitiâ excusari nequeunt, qui, cum pacta impro-*
bent,

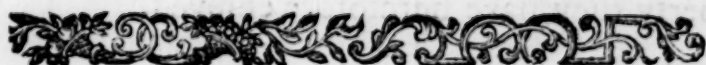
bent, tamen retinent, quæ, sine pactis non haberent. “ They cannot avoid the Imputation of Injustice, who disapprove of Treaties, and yet keep Possession of what they could not have been possessed of, but by the Means of those Treaties.”

We have an indisputable Right to *Manila*, and all its Dependencies, if the Ransom Bills are not faithfully paid.

I do therefore, my Lord, in the Names of all concerned (the Navy, Army, and *East India* Company) implore the Assistance and Protection of the Government, and its effectual good Offices, to maintain our most just Rights, and recover the Part of the Ransom as yet unpaid.



PRO



PROPOSALS

MADE TO

*Their Excellencies His Britannick
Majesty's Commanders in Chief
by Sea and Land,*

BY

*His Excellency the Archbishop,
Captain General of the Phil-
lipine Islands, the Royal Audi-
ence, the City and Commerce of
Manilha.*

ARTICLE I.

THAT the Effects and Possessions
of the Inhabitants shall be secured
to them, under the Protection of His
E *Britannick*

Britannick Majesty, with the same Liberty they have heretofore enjoyed.

GRANTED.

II.

That the Catholick, Apostolick, and *Roman* Religion, be preserved and maintained in its free Exercise and Functions, by its Pastors and faithful Ministers.

GRANTED.

III.

That the Families which are retired into the Country, may have free Liberty to return unmolested.

GRANTED.

IV.

That the same Indemnification and Liberty may extend to all Persons of both Sexes, Inhabitants of this City, without

without any Prejudice or Molestation to their interior Commerce.

They may carry on all Sort of Commerce as British Subjects.

V.

Having great Confidence in the Manners and Politeness of their Excellencies the *Britannick* Generals, hope they will use their best Endeavours in preserving Peace and Quietness in the City and Suburbs, chastizing all People, who shall dare to oppose their superior Orders.

GRANTED.

VI.

That the Inhabitants of this City may enjoy the same Liberty of Commerce as they have had heretofore, and that they may have proper Passports granted them for that End.

Answered by the 4th Article.

E 2

VII. That

VII.

That the same Liberty may be granted to the Natives of the Country, for bringing in all Manner of Provisions, according to their usual Method, without the least Opposition or Extortion, paying for them in the same Manner as hath been heretofore practised.

GRANTED.

Note, *Any One coming in with Arms, will be put to Death.*

VIII.

That the Ecclesiastical Government may be tolerated, and have free Liberty to instruct the Faithful, especially the Native Inhabitants.

They must not attempt to convert any of our Protestant Subjects to the Popish Faith.

IX. That

IX.

That the Authority, as well political as civil, may still remain in the Hands of the Royal Audience, to the end that by their Means, a Stop may be put to all Disorders, and the Insolent and Guilty be chastized.

*Subject to the Superior Controul of
our Government.*

X.

That the Use and Exercise of the Oeconomical Government of the City, may remain in its same Freedom and Liberty.

GRANTED.

XI. That

XI.

That the Ministers and Royal Officers, their Persons and Goods, may be in full Security, and be maintained in their Honours, with a Stipend sufficient for their Support, his Catholick Majesty being answerable for the same. Upon these Conditions, the above-mentioned Ministers will be under the Protection of His *Britannick* Majesty, in the same Manner as the rest of the Inhabitants.

*His Catholick Majesty must pay for
their Support.*

XII.

That the Inhabitants may have Liberty to reside within or out of the
City,

City, as shall be most convenient for them.

Still subject to the Revocation of our Government, if they find it necessary.

*Done in the City of Manilha,
the 7th Day of October,
1762.*

Signed,

Man ^l Ant. Arsp' de Manile	S. Cornish.
Gov. y Cap. Gen. de las	W. Draper.
Philps.	

Francisco Henriquez de Villacourta.

Manuel Galban y Ventura.

Fr^{co} Leandro de Viana.

C O N-

1903

City of New York

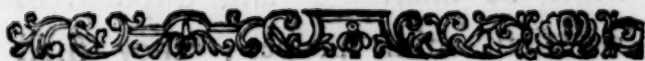
Department of the City of New York

Office of the City Engineer

City of New York



603



CONDITIONS

ON

*Which the City of Manilha shall
be preserved from Plunder, and
the Inhabitants maintained in
their Religion, Goods, Liber-
ties, and Properties, under the
Government and Protection of
His Britannick Majesty.*

ARTICLE I.

THE *Spanish* Officers of every
Rank, shall be esteemed as Pri-
soners of War, upon their Parole of
Honour, but shall have the Liberty of
wearing their Swords: The rest of their
F Troops,

Troops, of every Degree and Quality, must be difarmed, and disposed of as we shall think proper; they shall be treated with Humanity.

II.

All the Military Stores and Magazines of every Kind, must be surrendered faithfully to our Commissary, and Nothing secreted, or damaged.

III.

His Excellency the Governor, must send immediate Orders to the Fort of *Cavita*, and the other Forts under his Command, and dependant upon *Manila*, to surrender to His *Britannick* Majesty.

IV.

The Propositions contained in the Paper, delivered on the Part of His Excellency the Governor and his Council,

cil, will be listened to, and confirmed to them, upon their Payment of Four Millions of Dollars, the Half to be paid immediately, the other Half to be paid in, at a Time to be agreed upon: And Hostages and Security given for that Purpose.

*Done in the City of Manilha,
the 6th Day of October,
1762.*

Signed,

Man ^l Ant. Arspo' de Manile	S. Cornish.
Gov. y Cap. Gen. de las	W. Draper.
Philps.	

Francisco Henriquez de Villacourta.

Manuel Galban y Ventura.

Fr^o Leandro de Viana.

F I N I S.